

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-615-T - ORDER NO. 95-1443
AUGUST 16, 1995

IN RE: Application of Harold Berry DBA Low)	ORDER
Country Moving Systems, 4400 Dorchester)	GRANTING
Road, Unit 13, Brentwood Shopping Center,)	SUSPENSION
Charleston, SC 29405, to Suspend Class E)	
Certificate No. 9559 for a Period of)	
3 Months.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application from Harold Berry DBA Low Country Moving Systems (the Applicant), whereby the Applicant seeks certain relief in the nature of a temporary suspension of its Certificate of Public Convenience and Necessity.

The Applicant has requested suspension of its authority for a period of 3 months, ending October 31, 1995.

On August 3, 1995, the Commission received a Petition to Intervene from Patricia O'Neal. By her Petition, Ms. O'Neal states that she has a contract with Mr. Berry which provides inter alia that in the event of default by Berry that Berry will relinquish all control, operation and title to any and all physical assets, customer lists, goodwill, and assets of any nature of Low Country Moving Systems. Ms. O'Neal alleges that Mr. Berry has breached the contract and is attempting to deprive her

of her right, title, and interest in Low Country Moving Systems.

S.C. Code Ann. §58-23-340 (Supp. 1994) provides in relevant part that "[a] certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the Commission for the transfer of the certificate is first obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred."

The Commission records indicate that Harold Berry is the sole holder of Class E Certificate No. 9559. Ms. O'Neal is not listed as a holder of the Class E Certificate No. 9559 nor has the Commission approved a transfer of that certificate to Ms. O'Neal. Therefore, the Commission believes that Ms. O'Neal has no standing to intervene in the instant application.

Based upon consideration of the instant Application and all matters relative thereto, the Commission is of the opinion, and so finds, that the Applicant's request for suspension should be approved.

IT IS THEREFORE ORDERED:

1. That Class E Certificate No. 9559 issued to Harold Berry DBA Low Country Moving Systems is suspended for a period of 3 months, ending October 31, 1995.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


CHAIRMAN

ATTEST:


Executive Director

(SEAL)